

## REMARKS

Claims 1-17 are pending in the application.

The ABSTRACT is objected to for informalities. The substitute ABSTRACT enclosed corrects the noted informalities. The number of words is also reduced. No new matter is entered.

Claims 1-17 are objected to for informalities. The enclosed claims correct the noted informalities.

Claims 14 and 15 under 35 U.S.C. § 112, second paragraph, as being indefinite. Claim 14 has been amended to depend from claim 11 and claim 15 has been amended to depend from claim 13. The incorrect dependencies were inadvertently previously entered. It is respectfully requested the rejection be withdrawn.

Claims 1-17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Leung et al. (U.S. 6,282,570) (hereinafter Leung).

Clarification is respectfully requested since claims 7 and 8 are indicated as allowable on page 13 of the Office Action.

The present claimed invention recited in independent claims 1, 9, 10, 11, 16 and 17 provides the distinguishing features of updating the database of one monitoring device by synchronizing (matching) it with the database stored in the other monitoring device.

For example applicant's claim 1 provides: the database stored in one monitoring device is updated based on the registered data (the registered data indicating the updated contents of the other data base). In addition applicant claims a read-out request for reading out registered data which is altered by the updating operation.

Leung fails to teach these features. Col. 7:35-45 and Col. 8:56-67 describes monitor runs for monitoring a large parallel database. In particular Leung teaches that the monitor collects performance data from as many nodes as it can during a specified time. There is no teaching of applicant's claimed a read-out request for reading out registered data which is altered by the updating operation.

In addition applicant claims a read-out request for reading out registered data which is altered by the updating operation and recorded in the database accommodated by the first monitoring device to the first monitoring device by using the network address of the first monitoring device received from the communications device.

The Office Action admits Leung does not specifically disclose the first and second step of transmitting. The Office Action asserts one skilled in the art would have found this to be obvious in view that computers connected to a network use Ethernet cards and transmit addresses back and forth.

However there is no suggestion anywhere in Leung that the "monitor run" uses the network address of the first monitoring device received from the communications device. Even if computers using Ethernet cards may transmit addresses back and forth, there is no teaching in Leung that such a configuration could be used or successful, there is no suggestion which would lead one skilled in the art to make such a combination of prior art. The only such suggestion provided has been from applicant's own disclosure. The Office Action only recites that it is "well-known" without providing any reference to judge this assertion by.

Thus even if all the elements were present in the cited references, it is well-established that a combination of limitations, some of which separately may be known, may be a new combination of limitations which is nonobvious under the condition of 35 U.S.C. 103.

Moreover, “an examiner may often find every element of a claimed invention in the prior art.” In *re Rouffet*, 47 USPQ3d 1453, 1457 (Fed. Cir. 1998) (reversing PTO obviousness rejection based on lack of suggestion or motivation to combine reference). Therefore even if every element of a claimed invention is in the combined prior art there must be some suggestion or motivation to combine the references. “Although a reference need not expressly teach that the disclosure contained therein should be combined with another, the showing of combinability, in whatever form must nevertheless be ‘clear and particularity.’” In *re Dembiscak*, 175 F.3d 994, 999 (CAFC 1999).

The invention of Leung is related to a technology for monitoring the performance of parallel databases, and does not require the above-mentioned conditions of the present invention.

Leung does not suggest nor describe the claimed database stored in one monitoring device is updated based on the registered data.

The Office Action takes the position that the fourth step recited in the present claim 1 is disclosed in Leung, however the present claim 1 characterizes the following points mainly by the fourth step:

First, the second monitoring device acquires the address on the network of the first monitoring device from the communication device.

Secondly, the second monitoring device acquires the registered data indicating the updated contents of the database from the first monitoring device by using the address of the first monitoring device acquired from the communication device.

Thirdly, the second monitoring device updates its own database stored therein based on the acquired registered data (namely, the database stored in the second monitoring device is synchronized (matched) with the database stored in the first monitoring database).


In contrast to these unique combination of features, Leung simply does not suggest several of the features as pointed out above and does not provide any suggestion for the combination of unique features presented in applicant's claims. Consequently, in view of these features, the claimed second monitoring device provides the novel advantage of being able to acquire the registered data from the first monitoring device by accessing to the first monitoring device by using the address of the first monitoring device acquired from the communication device. Accordingly, the second monitoring device is no longer required to manage (possess) the address on the network of the first monitoring, in order to access to the first monitoring device.

On the other hand, since the invention of Leung relates to the technology for monitoring the performance of the parallel databases, Leung does not disclose or suggest any or all of the above-described first to third features of the present invention.

For at least the foregoing reasons it is respectfully requested the rejection of claims 1-17 be withdrawn and in view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

  
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